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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/699,384

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Taku Hoshizawa

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EXAMINER

SOMMERFELD, PAUL J

ART UNIT

PAPER NUMBER

2168

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/699,384	<b>Applicant(s)</b> HOSHIZAWA ET AL.	
	<b>Examiner</b> Paul J. Sommerfeld	<b>Art Unit</b> 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/31/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 12, 13, 16, and 17 are objected to because of the following informalities:
  - Claim 12 recites a “recording apparatus”, and claim 1 recites “a recording medium”. Since claim 12 is dependent from claim 1, claim 12, in order to be proper, must also be directed to a “recording medium”.
  - Claim 13 recites a “regenerating apparatus”, and claim 1 recites “a recording medium”. Since claim 13 is dependent from claim 1, claim 13, in order to be proper, must also be directed to a “recording medium”.
  - Claim 16 recites a “regenerating apparatus”, and claim 14 recites “a recording medium”. Since claim 16 is dependent from claim 14, claim 16, in order to be proper, must also be directed to a “recording medium”.
  - Claim 17 recites a “regenerating apparatus”, and claim 15 recites “a recording medium”. Since claim 17 is dependent from claim 15, claim 17, in order to be proper, must also be directed to a “recording medium”.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, the claim recites "only one of the first file management information and the second file management information includes the management information for managing the recording area of the first file and the recording area of the second file." It is unclear whether both the first file management information and the second file management information include the management information for managing the recording area of the first file and the recording area of the second file, or whether one of, but not both of the first file management information and the second file management information includes the management information for managing the recording area of the first file and the recording area of the second file. For purposes of examination, the Office assumes that one of, but not both of the first file management information and the second file management information includes the management information for managing the recording area of the first file and the recording area of the second file.

3. Claims 7 and 10 recite the limitations "the attribute information" and "the file attribute". There is insufficient antecedent basis for these limitations in the claims.

4. Claim 13 recites the limitation "the data" in lines 1 and 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

5. Claims 14 and 15 recite the limitations "the directory relating to the first file recording area" and "the directory relating to the second file recording area". There is insufficient antecedent basis for these limitations in the claims.

6. Claims 16 and 17 recite the limitations "the directory that relates to the first file recording area" and "the directory that relates to the second file recording area". There is insufficient antecedent basis for these limitations in the claims.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 recites "A recording medium on which a file for storing write data and file management information for managing the file are recorded" which appears to be non-functional descriptive material stored on a computer readable medium. It is unclear how

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information, absent a program or processing hardware, can manage a file. Because information is non-functional descriptive material, it is unable to manage information. A claim must not be directed merely as "non-functional descriptive material stored on a computer readable medium", but must instead be either "a series of steps to be performed on a computer", or, "a machine or manufacturer for performing a process."

Claims 2-17 are rejected under 35 U.S.C. 101 because they are dependent from the rejected independent claim 1.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohmori (U.S. Patent Number 5,687,397).

As to claim 1, Ohmori teaches a recording medium on which a file for storing write data and file management information for managing the file are recorded (see Abstract), wherein;

first file management information for managing a first file and second file management information for managing a second file that is different from the first file management information are recorded as the file management information (col. 2 lines 24-31), the number of files manageable by the second file management information is larger than the number of files manageable by the first file management information (col. 1 lines 23-25 describe the first file information accommodates a relatively small number of files, for example 255 files. col. 1 lines 38-39 describe the second file management information accommodates a large number of data files.), and only one of the first file management information and the second file management information includes the management information for managing the recording area of the first file and the recording area of the second file (col. 3 lines 55-58 describes that the recordable area used for user data is defined in the management information for audio data, indicating that the management information for audio data includes the management information for managing the recording area of both the audio data and user data).

As to claim 2, Ohmori teaches the first file is an AV file and the second file is a PC file (col. 3 lines 33-37, where AV file is read on audio data, and PC file is read on user data).

As to claim 3, Ohmori teaches the first file management information comprises a plurality of different tables (col. 8 lines 14-19 indicates the first file management

information includes a table of contents for audio data, labeled A-UTOC in Figure 3. Figure 3 indicates that each entry of the A-UTOC includes a table of pointers ("PTRS TO M-DATA" in Fig. 3)).

As to claim 4, Ohmori teaches the second file management information is structured without table (col. 8 lines 31-35 indicates that the second file management information, D-UTOC includes a directory structure including a root directory and child directories. Directories are structured hierarchically, as opposed to tabularly).

As to claim 5, Ohmori teaches the first file management information and the second file management information comprise a plurality of different tables respectively (Figure 3 shows the first file information (A-UTOC) and the second file management information (D-UTOC) comprising a plurality of different tables).

As to claim 6, Ohmori teaches the first file management information includes the management information for managing the second file management information (col. 3 lines 55-58).

As to claim 7, Ohmori teaches the first file management information includes the attribute information for indicating the file attribute (col. 4 lines 17-19).



As to claim 8, Ohmori teaches the attribute information is the file name (col. 1 lines 35-39).

As to claim 9, Ohmori teaches the second file management information includes the management information for managing the first file management information (col. 3 lines 55-58).

As to claim 10, Ohmori teaches the second file management information includes the attribute information for indicating the file attribute (col. 3 lines 55-58).

As to claim 11, Ohmori teaches the attribute information is the file name (col. 3 lines 55-58).

As to claim 12, Ohmori teaches a recording apparatus for recording depending on the type of data to be written to the first file or the second file of the recording medium as claimed in claim 1 (col. 2 lines 42-50).

As to claim 13, Ohmori teaches a regenerating apparatus that reads the data from the first file or the second file of the recording medium as claimed in claim 1 and regenerates the data (col. 2 lines 32-41).

As to claim 14, Ohmori teaches a recording medium having the directory relating to the first file recording area and the directory relating to the second file recording area, wherein the first file management information as described in claim 1 is formed in the directory structure (Figure 16, col. 18 lines 3-5 shows first file management information formed in a directory structure).

As to claim 15, Ohmori teaches a recording medium having the directory relating to the first file recording area and the directory relating to the second file recording area, wherein the second file management information as described in claim 1 is formed in the directory structure (col. 4 lines 11-12, a directory is recorded in the second management information).

As to claim 16, Ohmori teaches a regenerating apparatus for regenerating the recording medium as claimed in claim 14, wherein the directory that relates to the first file recording area is displayed and the directory that relates to the second file recording area is not displayed when the directory of the first file management information is displayed on a monitor (col. 6 lines 52-55).

As to claim 1, Ohmori teaches a regenerating apparatus for regenerating the recording medium as claimed in claim 15, wherein the directory that relates to the second file recording area is displayed and the directory that relates to the first file

recording area is not displayed when the directory of the second file management information is displayed on a monitor (col. 6 lines 52-55).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Publication 2002/0159369 A1, issued to Tol et al, for teaching a method for storing data on a disc, allowing compatibility between different file systems.
- U.S. Publication 20030233381 A1, issued to Sugimura et al, for teaching a file management method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul J. Sommerfeld whose telephone number is 571 272-6545. The examiner can normally be reached on M-F 7:45 am - 4:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on 571 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tim Vo', is positioned above the printed name and title.

**TIM VO**  
**PRIMARY EXAMINER**